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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,187	04/12/2001	Abang Abdullah B. Abang Ali	S1436/7001	2651

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,187

Applicant(s)

ABANG ALI ET AL.

Examiner

McDermott, Kevin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s): ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s): ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spacer block having a first transverse wall extending between sidewalls at a first end of the block must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign(s) in figures 4a-4d, 5a-5c, 6, 7a-7d, and 8a-8c. Reference sign(s) are required to coordinate the specification description with the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because figure 6 includes three figures. Each of the three figures should have its own figure designation and corresponding description in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- a. Pages 4-5. A drawing description must be provided for each figure. Please provide descriptions in complete sentences.
- b. Page 6, line 10 does not appear to make sense.
- c. Pages 7-8. Please provide reference sign(s)/numbers so that the specification is coordinated with the drawings. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 9, 19, 23, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, line 11 recites "spans said sidewalls, integral and defining...". This language does not appear to make sense. Consequently, Examiner considers this language indefinite.

Regarding claims 9, 19, 23, and 27, each of these claims recites "may be" in their respective lines 2. Examiner considers this language indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, 10, 15, 16, 25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Haener. Haener is directed towards an interlocking lock system for mortarless block walls. Applicant is advised that Examiner interprets the preamble of claim 1 as a statement of intended use and not as claim limitations or features.

Regarding claims 1, 4, 5, 7, 15 and 25, Haener discloses in figure 1 and column 3, line 57-column 4 line 39, a block 10 having generally parallel sidewalls 12, 14 each having flat top and bottom surfaces, tongue and groove interlock means 16 disposed at opposed ends of sidewalls 12,14, a transverse web 28 extending between sidewalls 12, 14 and spaced from a second end of the block 10 while being disposed at the first end of the block 10, and a transverse wall 26 extending between sidewalls 12, 14 spaced from the second end of the block 10. Examiner interprets tongue and groove interlock means 16 as male and female interlock means, and web 28 as a wall. Haener also discloses protrusions 18, 20, 32 lying along the inner surface of sidewalls 12, 14, extending from a base that is substantially coplanar with the bottom surface of the block 10 to tips 22, 24 extending just above the top surface. When staggered courses of these blocks are assembled, the protruding extended tips 22, 24 extend into the upper course, engaging the bases of the upper block protrusions to hold the blocks in place. Column

4, lines 22-23 disclose providing room for accommodating horizontal rebar, and column 6, lines 28-32 disclose providing a vertical channel for vertical rebar. Examiner interprets rebar and the accompanying concrete required to hold it in place as constituting stability and stiffening means.

Regarding claims 10 and 28, Examiner considers concrete block walls as inherently being load or non-load bearing.

Regarding claims 6 and 16, Examiner considers the block interlock means 16 to inherently provide a self-alignment feature to the block 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 26, and claims 9 and 27 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haener.

Haener discloses the limitations discussed above. However, Haener does not disclose using blocks 10 to provide for the construction of door and window openings, and that the blocks 10 can be used to house lintels without requiring the use of formwork.

Regarding claims 8 and 26, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to form block

walls having door and window openings. One of ordinary skill would provide door and window openings because it is common construction practice.

Regarding claims 9 and 27, as best understood, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to house lintels without requiring the use of formwork. Examiner considers the block of Haener to disclose all the structural features or limitations of the current invention. Consequently, Examiner considers the block of Haener inherently capable of performing the same functions. One of ordinary skill in the art at the time the invention was made would have made such a modification to simplify window and door construction.

Claims 2, 11, 12, 17, 18, and 20, and claim 19 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haener in view of Brewington.

Regarding claim 2, as best understood, and claims 11, 12, 17 and 20, Haener discloses in figure 1 and column 3, line 57-column 4 line 39, a block 10 having generally parallel sidewalls 12, 14 each having flat top and bottom surfaces, tongue and groove interlock means 16 disposed at opposed ends of sidewalls 12, 14, a transverse web 28 extending between sidewalls 12, 14 and spaced from a second end of the block 10 while being disposed at the first end of the block 10, and a transverse wall 26 extending between sidewalls 12, 14 spaced from the second end of the block 10. Examiner interprets tongue and groove interlock means 16 as male and female interlock means, and web 28 as a wall. Additionally, Examiner considers the block interlock means 16 to inherently provide a self-alignment feature to the block 10. Haener also discloses

protrusions 18, 20, 32 lying along the inner surface of sidewalls 12, 14, extending from a base that is substantially coplanar with the bottom surface of the block 10 to tips 22, 24 extending just above the top surface. When staggered courses of these blocks are assembled, the protruding extended tips 22, 24 extend into the upper course, engaging the bases of the upper block protrusions to hold the blocks in place. Column 4, lines 22-23 disclose providing room for accommodating horizontal rebar, and column 6, lines 28-32 disclose providing a vertical channel for vertical rebar. Column 6, lines 44-47 disclose filling cavities through which the rebar runs with wet concrete for strengthening. Examiner interprets rebar and the accompanying concrete required to hold it in place as constituting stability and stiffening means. Examiner considers concrete block walls as inherently being load or non-load bearing.

However, Haener does not disclose disposing a first transverse protruding end wall extending between sidewalls 12, 14 at a first end of the block 10.

Brewington discloses in figure 2 and column 1, lines 33-45, a block A having cross bars 4. Examiner interprets cross bars 4 as constituting protruding end walls. Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to modify the block of Haener to include protruding end walls. One of ordinary skill would have been motivated to provide protruding end walls to have a secure connection between vertically stacked blocks.

Regarding claim 18, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to form block walls

having door and window openings. One of ordinary skill would provide door and window openings because it is common construction practice.

Regarding claim 19, as best understood, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to house lintels without requiring the use of formwork. Examiner considers the block of Haener to disclose all the structural features or limitations of the current invention. Consequently, Examiner considers the block of Haener inherently capable of performing the same functions. One of ordinary skill in the art at the time the invention was made would have made such a modification to simplify window and door construction.

Claims 3 and 23, as best understood, and claims 13, 14, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haener in view of Mullins.

Regarding claim 3, as best understood, and claims 13, 14, 21 and 24, Haener discloses in figure 1 and column 3, line 57-column 4 line 39, a block 10 having generally parallel sidewalls 12, 14 each having flat top and bottom surfaces, tongue and groove interlock means 16 disposed at opposed ends of sidewalls 12, 14, a transverse web 28 extending between sidewalls 12, 14 and spaced from a second end of the block 10 while being disposed at the first end of the block 10, and a transverse wall 26 extending between sidewalls 12, 14 spaced from the second end of the block 10. Examiner interprets tongue and groove interlock means 16 as male and female interlock means, and web 28 as a wall. Additionally, Examiner considers the block interlock means 16 to inherently provide a self-alignment feature to the block 10. Haener also discloses protrusions 18, 20, 32 lying along the inner surface of sidewalls 12, 14, extending from a

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base that is substantially coplanar with the bottom surface of the block 10 to tips 22, 24 extending just above the top surface. When staggered courses of these blocks are assembled, the protruding extended tips 22, 24 extend into the upper course, engaging the bases of the upper block protrusions to hold the blocks in place. Column 4, lines 22-23 disclose providing room for accommodating horizontal rebar, and column 6, lines 28-32 disclose providing a vertical channel for vertical rebar. Column 6, lines 44-47 disclose filling cavities through which the rebar runs with wet concrete for strengthening. Examiner interprets rebar and the accompanying concrete required to hold it in place as constituting stability and stiffening means. Examiner considers concrete block walls as inherently being load or non-load bearing.

However, Haener does not disclose a transverse upright support web disposed between the end transverse walls 26, 28 defining a cavity for receiving cementitious material, that the blocks 10 can be used to provide for the construction of door and window openings, and that the blocks 10 can be used to house lintels without requiring the use of formwork.

Mullins discloses in figures 1-3 transverse partition 28 between the transverse end walls 16, 18. Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to modify the block of Haener to include a middle transverse wall. One of ordinary skill would have provided a middle transverse wall to provide a form to minimize the amount of concrete required to form concrete columns in the block wall.

Regarding claim 22, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to for block walls having door and window openings. One of ordinary skill would provide door and window openings because it is common construction practice.


Regarding claim 23, as best understood, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to use the block 10 of Haener to house lintels without requiring the use of formwork. Examiner considers the block of Haener to disclose all the structural features or limitations of the current invention. Consequently, Examiner considers the block of Haener inherently capable of performing the same functions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

KM 2/18/02



Carl D. Friedman
Supervisory Patent Examiner
Group 3600